

REMARKS

Introduction

Claims 1, 3-22, and 24-28 are pending. Claims 1, 3, 6, 8-10, 13, 15, 19-22, and 27-28 have been amended. Support for these amendments can be found throughout the specification, for example, in Figure 1, Figure 2, the claims as filed, and in paragraphs [0013], [0021]-[0023], [0027]-[0030], and [0038].

Claims 2 and 23 have been cancelled without prejudice to the subject matter disclosed therein. Applicant expressly reserves the right to pursue the subject matter of the cancelled claims in this application or in another application.

Rejections under 35 U.S.C. §112

The Examiner has rejected claims 1, 3-22, and 24-28 under 35 U.S.C. §112 second paragraph as allegedly being indefinite. Applicant traverses.

To expedite prosecution, Applicant has amended the claims to correct the issues the Examiner raised in the Office Action. The claims have been amended in view of the Examiner's concerns and are believed to clearly define the metes and bounds of the claimed invention. As such, the rejection of the claims for allegedly being indefinite has been overcome and/or rendered moot.

Further, Applicant notes that one of skill in the art would appreciate that the claim designations of a "first" and "second" anion exchange resin refer to different columns. For example, after considering the first two boxes of Figure 2 and paragraphs [0022] and [0023] it would be appreciated that different columns should be used. Applicant notes that if one column having different resins were to be used, which is not the case, the process would have been referred to as "multimodal chromatography." This clarification is believed to render the Examiner's concerns regarding the "first" and "second" language moot.

The Examiner has also rejected claims 3, 8-11, 13-22, and 24-28 under 35 U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Applicant traverses.

To expedite prosecution, Applicant has amended the claims to correct the issues the Examiner raised. The term "about" has been removed from the claims with the exception of claim 27 which depends from claim 15. Applicant respectfully asserts that the meaning of "about" is clear in claim 27 because it refers to a specific embodiment from within the claimed range of 3.5 to 4.5 that is recited in claim 15. Thus, support for claim 27 is found in claim 15 and also in the specification at [0028].

Applicant believes that all the rejections under 112 have been overcome and/or rendered moot by the amended claims. Withdrawal of these rejections is respectfully requested.

Rejections under 35 U.S.C. §102/103

The Examiner has rejected claims 1, 4-7, and 12 under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Lebing *et al.* (EP 0,893,450; herein "Lebing"). Applicant traverses.

To expedite prosecution, Applicant has amended claim 1 to recite, *inter alia*, that the pH of the starting solution is between 4.8 and 4.95. This pH is maintained throughout steps a) to c) of claim 1. This constant pH of between 4.8 and 4.95 is not disclosed in Lebing, which discloses a pH shift as the Examiner notes. See Office Action at pg. 7. Thus, Lebing does not disclose all the claimed features of amended claim 1 and, therefore, cannot anticipate or make a proper prima facie case of obviousness for claim 1.

Moreover, as described in the Background section of the application, the constant pH of between 4.8 and 4.95 provides unexpectedly superior results as shown, for example, in the Comparative Examples section of the application. See [0007] and [0044]-[0047]. A comparison of the claimed invention to the process of Lebing demonstrated that unwanted material, such as

albumin, has been removed using the claimed invention by approximately an order of magnitude better than in Lebing. The IgA content was also significantly lower using the claimed invention when compared to Lebing. These unexpected results are not shown or suggested by Lebing and provide further evidence that the claims are not obvious in view of Lebing.

For at least the above reasons, the claims are not anticipated and/or obvious in view of Lebing. Applicant respectfully requests the timely withdrawal of the rejection(s) under 102/103.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

The Commissioner is authorized to charge any deficiency in any patent application processing fees pursuant to 37 CFR § 1.17, including extension of time fees pursuant to 37 CFR § 1.17(a)-(d), associated with this communication and to credit any excess payment to Deposit Account No. 22-0261.

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